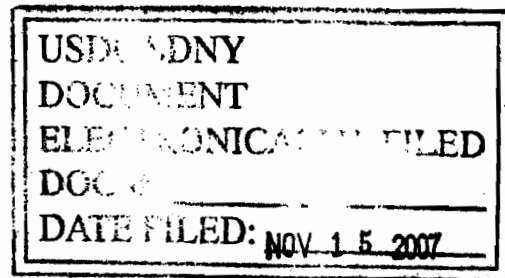


DANIELS, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
Barbara Broughel,

Plaintiff,

v.

The Battery Conservancy and Warrie Price,

Defendants.
-----X

No. 07cv7755(GBD)

CIVIL CASE MANAGEMENT PLAN
AND SCHEDULING ORDER

ECF

Pursuant to this Court's Order dated September 6, 2007, counsel for Plaintiff Barbara Broughel and counsel for Defendants The Battery Conservancy and Warrie Price conferred by telephone on Monday, October 29, 2007, pursuant to Rule 26(f) of the Federal Rules of Civil Procedure. The Parties, through counsel, submit this Civil Case Management Plan and Scheduling Order.

Plaintiff stated an intention to seek leave to amend the complaint to add an additional defendant and additional claims. Defendants, having previously prepared a motion for judgment on the pleadings pursuant to Rule 12(c), which they intended to file in November 2007, will now await the outcome of Plaintiff's request and assess whether a motion to dismiss the amended complaint pursuant to Rule 12(c) or 12(b)(6) would be appropriate. Because of the contemplated motion practice, the Parties request the following discovery schedule, which advances all dates 120 days from the Court's proposed schedule, except where dates would fall on weekends or legal holidays, in which case the schedule adopts the next business day.

1. The Parties shall exchange the initial disclosure required by Rule 26(a) on or before Tuesday, November 13, 2007.

2. No additional parties may be joined after May 15, 2008.

3. No **amendment** to the pleadings will be permitted after **May 15, 2008**.

4. Except for good cause shown, all **discovery**, both expert and non-expert, shall be commenced in time to be completed by **August 7, 2008**. With respect to discovery:

a. The Parties have agreed that they will make any supplemental disclosures required by Rule 26(e) within seven (7) business days of becoming aware of the need for making such disclosures.

b. Defendants proposed an agreement whereby the Parties would return or destroy any inadvertently produced privileged or work product-protected materials, but Plaintiff declined to enter into any such agreement.

c. Defendants intend to move this Court for a protective order. Plaintiff intends to oppose such a motion.

5. **Dispositive motions** are to be served by **August 14, 2008**. Answering papers are to be served within fourteen (14) days. Reply papers are to be served within seven (7) days thereafter. In the event a dispositive motion is made, the date for submitting the Joint Pretrial Order shall be changed to a date that is three (3) weeks from the date of any decision denying the motion, with the final pre-trial conference to take place four (4) weeks from such decision.

6. A final **pre-trial conference** will be held on **October 9, 2008 at 9:30 a.m.**, except in the event of a dispositive motion as outlined above.

7. The Joint Pretrial Order shall be filed no later than September 11, 2008, except in the event of a dispositive motion as outlined above. The requirements for the pretrial order and other pretrial submissions shall be governed by the Court's Individual Rules of Practice.

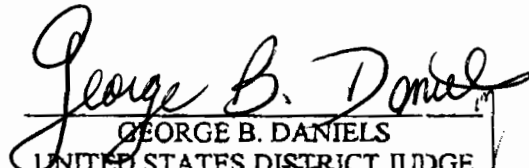
8. All motions and applications shall be governed by the Court's Individual Rules of Practice.

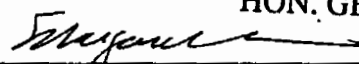
9. The Parties shall be ready for trial on 48 hours notice on or after November 6, 2008. The estimated trial time is _____ days. Both Parties have demanded a jury.

10. The Next Case Management Conference will be held on July 10, 2008.

Dated: November 12, 2007

NOV 15 2007


GEORGE B. DANIELS
UNITED STATES DISTRICT JUDGE
HON. GEORGE B. DANIELS


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